

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCHING AUTHORITY

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCTISA/210 (second sheet)

Applicant's or agent's file reference
see form PCTISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/IB2005/003635

International filing date (day/month/year)
01.12.2005

Priority date (day/month/year)
02.12.2004

International Patent Classification (IPC) or both national classification and IPC
F01N11/00, F01N9/00

Applicant
TOYOTA JIDOSHA KABUSHIKI KAISHA

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCTISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCTISA/220.

3. For further details, see notes to Form PCTISA/220.

Date: 01.10.06 Form: PCTISA/237

WU 02.3.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Tatus, W

Telephone No. +49 89 2399-2693



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/003635

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - a sequence listing
 - table(s) related to the sequence listing
 - b. format of material:
 - in written format
 - in computer readable form
 - c. time of filing/furnishing:
 - contained in the international application as filed.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/003635

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-12
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-12
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-12
	No:	Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the International application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

- 1 Reference is made to D1 :
PATENT ABSTRACTS OF JAPAN, vol. 1995, no. 11, 26 December 1995 (1995-12-26) & JP 07 224636 A (NIPPON SOKEN INC), 22 August 1995 (1995-08-22)
- 2 Document D1, which is considered to represent the most relevant state of the art, discloses an exhaust gas control apparatus including a particulate filter provided in an exhaust passage; and pressure difference detecting means for detecting a difference in pressure on an upstream side and on a downstream side of the particulate filter, pipes that introduce the pressure to the pressure difference detecting means are provided, the pipes include an upstream pipe that introduces the pressure on the upstream side of the particulate filter to the pressure difference detecting means
From this, the subject-matter of independent claim 1 differs in that:
The upstream pipe includes an expanded pipe portion near the particulate filter, wherein the expanded pipe portion has an inner diameter greater than that portion of the upstream pipe near the pressure difference detection means.

This stops the exhaust gas flow in the expanded portion and thereby the entrance of exhaust gas into the portion near the pressure difference detecting means is minimized and thereby the deposition of particulate matter, soot, soluble organic fractions, and the like in the upstream pipe is suppressed, which minimizes clogging of the upstream pipe.

Subject-matter of claim 1 is neither known nor obviously suggested in the available prior art and therefore has to be regarded as new and inventive. Therefore claim 1 fulfils the requirements of Article 33(2) and (3) PCT.

- 2.1 Claim 7 is seen like claim 1 (see Item VIII).
- 2.2 Claims 2 to 6 and 8 to 12 are dependent on claim 1 or 7 respectively and as such also meet the requirements of the PCT with respect to novelty and inventive step.
- 2.3 The **industrial applicability** of subject-matter of the claims 1 to 12 is evident (Art. 33(4) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/003635

Re Item VIII.

Claims 7 to 12 repeat subject-matter of claims 1 to 6.